

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

ADELINA RAMON,

Plaintiff,

v.

DOLLAR TREE STORES, and

JOHN DOE,

Defendants.

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**CASE NO. 5:20-cv-00946
JURY TRIAL DEMANDED**

**DEFENDANT DOLLAR TREE STORES, INC.'S
NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. § 1441, Defendant, DOLLAR TREE STORES, INC. (hereinafter "DOLLAR TREE") hereby removes to this Court, the state court action described in Paragraph 1 below. Pursuant to 28 U.S.C. § 1446(a), Dollar Tree sets forth the following "short and plain statement of the grounds for removal."

**I.
THE REMOVED CASE**

1. The removed case is a civil action filed with the 45th Judicial District Court, Bexar County, Texas, on June 9, 2020, styled *Adelina Ramon v. Dollar Tree Stores, and John Doe.*, under No. 2020CI10505 (the "State Court Action").

**II.
DOCUMENTS FROM REMOVED ACTION**

2. Pursuant to FEDERAL RULE OF CIVIL PROCEDURE 81 and 28 U.S.C. § 1446(a), Defendant attaches the following documents to this Notice of Removal:

- (a) A list of all parties in the case, their party type and current status;
- (b) a civil cover sheet and certified copy of the state court docket sheet; a copy of all pleadings that assert causes of action (e.g., complaints, amended complaints, supplemental complaints, petitions, counter-claims, cross-actions, third party actions, interventions, etc.); all answers to such pleadings and a copy of all process and orders served upon the party removing the case to this court, as required by 28 U.S.C. § 1446(a);
- (c) a complete list of attorneys involved in the action being removed, including each attorney's bar number, address, telephone number and party or parties represented by him/her;
- (d) A record of which parties have requested trial by jury; and
- (e) The name and address of the court from which the case is being removed.

III. REMOVAL PROCEDURE

3. Except as otherwise expressly provided by Act of Congress, any civil action brought in a state court of which the district courts of the United States have original jurisdiction may be removed to the United States District Courts for the district and division embracing the place where the action is pending. 28 U.S.C. § 1441. The San Antonio Division of the Western District Court of Texas is the United States district and division embracing Bexar County, Texas, and the county in which the State Court Action is pending.

4. Pursuant to 28 U.S.C. § 1446(a), true and correct copies of all process, pleadings and orders in the State Court Action as of the date of this pleading are attached hereto as ***Exhibit "B"*** and incorporated herein for all purposes.

5. Defendant will promptly give all parties written notice of the filing of this Notice of Removal and will promptly file a copy of this Notice of Removal with the Clerk of the 45th Judicial District Court, Bexar County, Texas, where the action is currently pending.

IV.
REMOVAL IS TIMELY

6. According to the State Court Action file, Defendant DOLLAR TREE STORES, INC. was served with a copy of Plaintiff's Original Petition ("Petition") on July 13, 2020 via personal service.

7. Since the thirtieth day after service of the Petition on DOLLAR TREE falls on August 12, 2020, this Notice of Removal is being filed within the time limits specified in 28 U.S.C. § 1446(b).

V.
VENUE IS PROPER

8. The United States District Court for the Western District of Texas, San Antonio Division, is the proper venue for removal of the state court action pursuant to 28 U.S.C. § 1441(a) because the 45th Judicial District Court of Bexar County, Texas, is located within the jurisdiction of the United States District Court for the Western District of Texas - San Antonio Division.

VI.
DIVERSITY OF CITIZENSHIP EXISTS

9. This is a civil action that falls under the Court's original jurisdiction pursuant to 28 U.S.C. § 1332 and is one that may be removed to this Court based on diversity of citizenship in accordance with 28 U.S.C. §§ 1441 and 1446.

10. As admitted in the Petition, Plaintiff is a resident of Bexar County, San Antonio, Texas and is domiciled there.¹ As such, Plaintiff is a citizen of Texas.

11. DOLLAR TREE is a foreign corporation organized and existing under the laws of the Commonwealth of Virginia.

12. Because Plaintiff is a citizen of the State of Texas and Defendant is not, complete diversity of citizenship exists pursuant to 28 U.S.C. § 1332.

VII.
THE AMOUNT IN CONTROVERSY REQUIREMENT IS SATISFIED

13. Plaintiff alleges in her Petition that she seeks monetary relief "in excess of one million dollar (\$1,000,000.00). She further alleges that the maximum amount of damages sought is three million dollars (\$3,000,000.000)."2

14. Based on the aforementioned facts, the State Court Action may be removed to this Court by DOLLAR TREE in accordance with the provisions of 28 U.S.C. § 1441(a) because: (i) this is a civil action pending within the jurisdiction of the United States District Court for the Western District of Texas; (ii) this action is between citizens of different states; and (iii) the amount in controversy as pled by the Plaintiff, exceeds \$75,000, exclusive of interest and costs.

VIII.
FILING OF REMOVAL PAPERS

15. Pursuant to 28 U.S.C. § 1446(d), DOLLAR TREE is providing written notice of the filing of this Notice of Removal to all counsel of record and is filing a copy

¹ *Id.* Plaintiff's Original Petition at p. 1, ¶ 2.

² *See*, Petition at p. 7, ¶ 21.

of this Notice with the 45th Judicial District Court, Bexar County, Texas, in which this action was originally commenced.

IX.
CONCLUSION

Defendant DOLLAR TREE STORES, INC. hereby removes the above-captioned action from the 45th Judicial District, Bexar County, Texas, and requests that further proceedings be conducted in the United States District Court for the Western District of Texas - San Antonio Division, as provided by law.

Respectfully submitted,

MAYER LLP

750 North Saint Paul Street, Suite 700
Dallas, Texas 75201
214.379.6900 / Fax: 214.379.6939

By: /s/Robin R. Gant
Zach T. Mayer
State Bar No. 24013118
E-Mail: zmayer@mayerllp.com
Robin R. Gant
State Bar No. 24069754
E-Mail: rgant@mayerllp.com
Mavish Bana
State Bar No. 24096653
E-Mail: mbana@mayerllp.com

**ATTORNEYS FOR DEFENDANT
DOLLAR TREE STORES, INC.**

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on August 12, 2020, the foregoing *Notice of Removal* was electronically filed, as required by the United States District Court for the Western District of Texas, using the Court's CM/ECF filing system, which will provide notice and a copy of this document, with attachments, to the following, who are indicated to be registered ECF filers in the United States District Court for the Western District of Texas:

Phillip Ripper
LAW OFFICES OF THOMAS J. HENRY
521 Starr Street
Corpus Christi, Texas 78401

Counsel for Plaintiff

☒ E-MAIL (PRIPPER-SVC@THOMASJHENRYLAW.COM)
☐ HAND DELIVERY
☐ FACSIMILE
☐ OVERNIGHT MAIL
☐ REGULAR, FIRST CLASS MAIL
☒ CM/ECF
☐ CERTIFIED MAIL/RETURN RECEIPT REQUESTED

/s/Robin R. Gant
Robin R. Gant